

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARILYN WATKINS,

Plaintiff,

v.

INFOSYS, d/b/a INFOSYS, Ltd.,

Defendant.

No. 2:14-cv-247

NOTICE OF REMOVAL
(Diversity)

TO: The Judges of the U.S. District Court for the Western District of Washington

AND TO: Judith A. Lonnquist, Counsel for Plaintiff

Pursuant to 28 U.S.C. §§ 1331, 1332 and 1441, Defendant Infosys, d/b/a Infosys, Ltd. ("Infosys") removes this action from the Superior Court of Washington for King County to this Court on the grounds of diversity jurisdiction. 28 U.S.C. §§ 1332(a), 1441(a), (c).

The following statement is submitted pursuant to 28 U.S.C. § 1446(a):

1. Defendant Infosys, d/b/a Infosys, Ltd. ("Infosys") is a foreign corporation, and its principal place of business is in Bangalore, Karnataka, India, the location of its headquarters. Accordingly, Defendant Infosys is a subject of a foreign state for purposes of removal jurisdiction. 28 U.S.C. § 1332(c)(1).

2. Upon information and belief, Plaintiff is resident and citizen of Washington.

3. Plaintiff filed a Summons and Complaint against Defendant on January 23, 2014, in King County Superior Court, which the state court designated as Case No. 14-2-02135-6 SEA.

1 Plaintiff served Defendant with the Summons, Complaint, Order Setting Case Schedule and
2 Interrogatories on or about January 27, 2014. No further proceedings have been had in the state
3 court as of the date of this Notice.

4 4. As required by local Civil Rule 101(b), a true and correct copy of the Summons
5 and Complaint is attached as **Exhibit 1**.

6 5. As of the filing of this Notice of Removal, Defendant has not yet answered the
7 Complaint.

8 6. This Notice of Removal is being timely filed within 30 days of January 27, 2014,
9 when Defendant Infosys was served with the initial pleading upon which this removal is based.
10 *See* 28 U.S.C. § 1446(b).

11 7. Under Local Civil Rule 101(a), Defendant has a reasonable good faith belief that
12 Plaintiff seeks damages in excess of the jurisdictional requirement of \$75,000, notwithstanding
13 the fact that the Complaint does not specify the dollar amount of damages being sought, for the
14 reasons stated in paragraph 8-11, *infra*.

15 8. Plaintiff asserts the following four claims in her Complaint: (1) racial/national
16 origin discrimination in violation of Washington Law Against Discrimination, RCW 49.60.180;
17 (2) wage discrimination; (3) retaliation in violation of RCW 49.60.180; and (4) breach of
18 promise for specific treatment. Plaintiff's Prayer for Relief seeks:

- 19 a. Damages for back pay and other economic damages, including front pay;
- 20 b. Emotional distress damages
- 21 c. Double damages for wages improperly withheld and/or illegally not paid;
- 22 d. Pre-judgment interest;
- 23 e. Reasonable attorney's fees and litigation expenses pursuant to
- 24 RCW 49.48.030 and/or RCW 49.60.030(3);
- 25 f. Injunctive relief;
- 26 g. Tax relief;
- 27 h. Costs;

1 i. Such other relief as the Court deems appropriate.

2 9. Plaintiff was employed by Defendant Infosys from September 26, 2005 until
3 September 30, 2013. (Complaint ¶ 5). When Plaintiff's employment ended, she was earning an
4 annual salary of over \$200,000.

5 10. Defendant reasonably and in good faith believes that part of the damages Plaintiff
6 will seek includes at least five months of lost wages (from September 30, 2013 through the
7 present date), for a total of over \$83,000. Plaintiff also purportedly seeks double damages under
8 RCW 49.52.070. Defendant further believes Plaintiff will seek an additional amount for
9 additional back pay, front-pay and attorney's fees and costs.
10

11 11. Attorney's fees are included in computing the amount in controversy "where an
12 underlying statute authorizes an award of attorneys' fees, either with mandatory or discretionary
13 language." *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998). Because Plaintiff
14 asserts claims under RCW 49.60 and 49.48, which authorize an award of reasonable attorneys'
15 fees, it is reasonably certain that Plaintiff's attorney fees through trial alone will exceed \$75,000.
16

17 12. Based on the foregoing, the amount in controversy here exceeds \$75,000
18 considering the damages and attorney's fees requested in Plaintiff's Complaint. *See White v.*
19 *FCI USA, Inc.*, 319 F.3d 672, 674 (5th Cir. 2003) (concluding that it was facially apparent that
20 plaintiff's wrongful termination claim exceeded \$75,000 based on lengthy list of compensatory
21 and punitive damages).

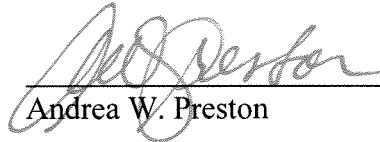
22 13. This Court has original jurisdiction over this civil action because, based on
23 Plaintiff's Complaint, the amount in controversy, exclusive of interest and costs, exceeds
24 the sum or value of \$75,000, and the action is between citizens of different states.
25 28 U.S.C. § 1332(a)(1).
26
27
28

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on this day, I electronically filed a true and accurate copy of the document to which this declaration is affixed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Judith A. Lonnquist
Law Offices of Judith A. Lonnquist, P.S.
1218 Third Avenue, Suite 1500
Seattle, WA 98101
lojal@aol.com

Dated this 19th day of February, 2014, at Seattle, Washington.


Andrea W. Preston

4848-5049-8840, v. 2

EXHIBIT 1

FILED

14 JAN 23 PM 2:24

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 14-2-02135-6 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

MARILYN WATKINS,

Plaintiff,

No.

v.

SUMMONS [20 days]

INFOSYS, d/b/a INFOSYS, Ltd.,

Defendant.

TO DEFENDANT INFOSYS, d/b/a/ INFOSYS, Ltd.:

A lawsuit has been started against you in the above-entitled court by MARILYN WATKINS, Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what he/she asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within

LAW OFFICES OF
JUDITH A. LONNQUIST, P.S.
1218 THIRD AVENUE, SUITE 1500
SEATTLE, WA 98101-3021
TEL 206 622 2086 FAX 206 233 9165

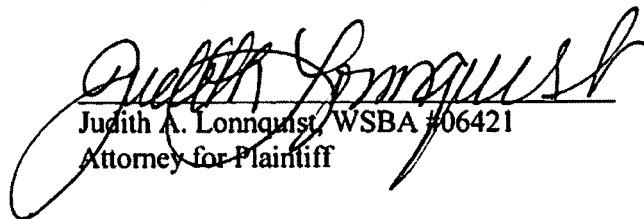
1 fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the court, or
2 the service on you of this summons and complaint will be void.

3 If you wish to seek the advice of any attorney in this matter, you should do so promptly so
4 that your written response, if any, may be served on time.

5 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
6 of Washington.

7
8 DATED this 23rd day of Jan, 2014.

9 LAW OFFICES OF
10 JUDITH A. LONNQUIST, P.S.

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12 
13 Judith A. Lonnquist, WSBA #06421
14 Attorney for Plaintiff

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CASE NUMBER: 14-2-02135-6 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

MARILYN WATKINS,

Plaintiff,

No.

v.

INFOSYS, d/b/a INFOSYS, Ltd.,

Defendant.

COMPLAINT FOR DAMAGES AND
OTHER RELIEF

NOW COMES Marilyn Watkins, by her attorney Judith A. Lonnquist, and complaining of Defendant Infosys, states as follows:

INTRODUCTION

This action is brought pursuant to common law and RCW 49.60 to redress acts of race discrimination, national origin discrimination, wage discrimination, and retaliation. Plaintiff seeks lost pay, benefits and employment opportunities, emotional distress damages, attorneys' fees and costs, and injunctive and other relief.

JURISDICTION AND VENUE

1. Defendant does business in King County. Plaintiff resides in King County, and her workplace where the acts complained herein occurred is in King County.

2. This court has jurisdiction pursuant to common law and Chapter 49 RCW.

I. PARTIES

3. Plaintiff Marilyn Watkins is a Caucasian woman who is a Canadian citizen and a Permanent Resident of the United States. Until September, 2013, she worked as a high-level employee in Defendant's Bellevue, Washington, office.

4. Defendant Infosys is a foreign corporation, doing business in Washington and elsewhere. It is a for-profit corporation registered in Washington since 1995 under UBI number 601666379. It employs more than eight employees in Washington and maintains a principal office in Bellevue, Washington, where, at all relevant times, Plaintiff was employed. Defendant's American headquarters is in Plano, Texas; its corporate headquarters is in Bangalore, India.

II. STATEMENT OF CLAIMS

5. Plaintiff was employed by Infosys from September 26, 2005, until September 30, 2013. During the period from December 2011 through March 2012, Plaintiff competed for the position of Head, Management and Consulting Skills Development. Initially, her application was not accepted because she was not a "titleholder."

6. Plaintiff contested that determination and, in April 2012, Plaintiff was promoted to Head of the Management and Consulting Skills Development Unit of Infosys. There was no change in her compensation. Her responsibilities included professional skills development for more than 155,000 employees worldwide, overseeing the CSI Academy for 30,000 employees worldwide, and managing more than 100 employees worldwide. Despite being assigned additional high-level responsibilities in 2012-2013, Plaintiff received neither an increase in compensation nor titleholder status.

1 7. At all relevant times, Plaintiff's peers, all of whom are Indian, held the title of Vice
2 President; Plaintiff, who is not Indian, was not given the title of Vice President. Vice
3 Presidents are "titleholders" and have benefits and authority not bestowed upon those who have
4 lesser titles, who have or are viewed as having lesser authority. Two of Plaintiff's direct
5 reports, both Indian, were Associate Vice Presidents.
6

7 8. On numerous occasions Plaintiff raised concerns about Defendant's failure to bestow
8 the title of Vice President upon her. Plaintiff's supervisor, Srikantan Moorthy, Senior Vice
9 President and Group Head of Education and Research ("E&R") promised her that the issue of
10 her proper title would be resolved in April 2013.
11

12 9. In March 2013, Plaintiff assumed even greater responsibilities. Nonetheless, her title
13 did not change in April. As Plaintiff was scheduled for a performance review on May 16,
14 2013, she decided to await the review to seek ultimate resolution of the title issue. The review
15 was rescheduled several times and finally conducted on June 17, 2013. In a follow-up
16 communication, Mr. Moorthy, again agreed that she should hold the title of Vice President and
17 repeated his promise to recommend her as a titleholder.
18

19 10. Earlier, Mr. Moorthy had switched positions with another Senior Vice President,
20 Nandita Gurjar. Mr. Moorthy assumed Ms. Gurjar's position of Group Head of Human
21 Resource Development, and Ms. Gurjar became the Group Head of E&R, and Plaintiff's direct
22 supervisor. Both of them serve on Defendant's Executive Council.
23

24 11. In August 2013, Ms. Gurjar published a list of E&R titleholders. Plaintiff was not
25 among them.
26

1 12. On September 11, 2013, Defendant notified Plaintiff that she was being laid off.
2 Plaintiff's termination was effective September 30, 2013.

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4 13. As a result of the discrimination and retaliation, and Defendant's failure to redress it,
5 Plaintiff suffered and continues to suffer severe economic and emotional distress.

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COUNT I

Defendants have engaged in race/national origin discrimination against Plaintiff because of she is Caucasian/North American, in violation of RCW 49.60.180.

COUNT II

Defendant has discriminated against Plaintiff in her compensation, job status, and other terms and conditions of her employment because she is Caucasian/North American.

COUNT III

Defendants have retaliated against Plaintiff, in violation of RCW 49.60.210.

COUNT IV

Defendant breached its promise of specific treatment when it failed and refused to assign Plaintiff the title of Vice President and acknowledge that she was a titleholder, with all the benefits and emoluments attendant thereto.

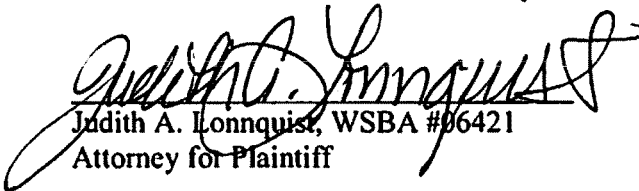
WHEREFORE, Plaintiff respectfully requests the following relief:

- A. Back pay and other economic damages, including front pay;
- B. Emotional distress damages;
- C. Double damages for wages improperly withheld and/or illegally not paid;
- D. Pre-judgment interest;
- E. Reasonable attorney's fees and litigation expenses pursuant to RCW 49.48.030 and/or RCW 49.60.030(3);

- F. Injunctive relief;
- G. Tax relief;
- H. Costs;
- I. Such other relief as the Court deems appropriate.

Dated this 23rd day of January, 2014.

LAW OFFICES OF JUDITH A.
LONNQUIST, P.S.


Judith A. Lonnquist, WSBA #06421
Attorney for Plaintiff